



Environmental Sustainability Subcommittee Agenda Report

Environmental
Sustainability
Subcommittee
Special Meeting
11-15-23
Item 3.A.

To: Mayor Uhring and Councilmember Riggins

Prepared by: Tracey Rossine, Environmental Programs Manager
Tyler Eaton, Senior Planner

Reviewed by: Yolanda Bundy, Environmental Sustainability Director

Approved by: Steve McClary, City Manager

Date prepared: November 7, 2023 Meeting date: November 15, 2023

Subject: Amendment to Dark Sky Ordinance

RECOMMENDED ACTION: Provide a recommendation to the City Council to consider initiating a Zone Text Amendment concerning Chapter 17.41 of Title 17 of the Malibu Municipal Code (MMC) addressing the requirements of lighting design standards, allowing lantern-style fixtures, and supporting a more workable light trespass which provides enough light onsite for security lighting.

DISCUSSION: On October 15, 2018, the Dark Sky Ordinance became effective and was subsequently codified in Malibu Municipal Code (MMC) Chapter 17.41. Gas stations were required to comply by October 15, 2019, and shopping centers were required to comply by October 15, 2020. On January 10, 2022, City Council extended the deadline to October 15, 2022 for commercial, residential, and institutional zones. However, the October 15, 2019 compliance deadline for gas stations did not change.

On August 22, 2022, City Council adopted the first amendment to the Dark Sky Ordinance to allow a lesser light trespass standard for gas stations onto the public right-of-way. Staff has continued to work with gas stations and has focused efforts on shopping centers for full compliance. All six major shopping centers have submitted Planning applications which are still under review. Three of the project managers have submitted corrections to the City in response to Planning staff's comments.

On October 17, 2023, site meetings were conducted by staff, the City's lighting engineer, and representatives from City Council. There were consistent difficulties at the separate

sites including meeting the City's code, finding vendors with the compliant type of lighting and purchasing proper fixtures, concerns with redirecting lighting or having enough light for safety purposes, and a hesitation to change lighting that may compromise security measures.

While MMC Chapter 17.41 is an effective tool to deal with a majority of the lighting issues observed during the site visits, as described above, excessive lighting continues to be a problem. Staff reviewed the codes of other jurisdictions and found that making the suggested amendments is a possible solution to the issues observed. The intention of the potential changes is to provide a path to compliance without diminishing the goals of the Dark Sky Ordinance. Staff is seeking input from the subcommittee members on amendments to the Dark Sky Ordinance.

ATTACHMENT:

1. Draft Dark Sky Ordinance
2. Redline Exhibit

ORDINANCE NO. XX

AN ORDINANCE OF THE CITY OF MALIBU DETERMINING THE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING ZONING TEXT AMENDMENT NO. 23-XXX AMENDING MALIBU MUNICIPAL CODE CHAPTER 17.41 (MALIBU DARK SKY)

The City Council of the City of Malibu does ordain as follows:

SECTION 1. Recitals.

A. On October 15, 2018, the Dark Sky Ordinance became effective and was subsequently codified in Malibu Municipal Code (MMC) Chapter 17.41. Gas stations were required to comply by October 15, 2019, and shopping centers were required to comply by October 15, 2020.

B. On January 10, 2022, City Council extended the deadline to October 15, 2022 for commercial, residential, and institutional zones. The compliance date for gas stations remained October 15, 2019.

C. On May 16, 2022, the Planning Commission held a duly noticed public hearing on the subject ZTA, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record and adopted Planning Commission Resolution No. 22-39 recommending the City Council adopt the proposed ZTA, as amended, and recommended the City Council consider the following recommendations: 1) that the light trespass only be allowed for gas station properties; 2) that the new trespass line be the edge of the paved road nearest the subject parcel; and 3) that the City Council and Planning Commission conduct a field trip with the City's Dark Sky consultant to discuss the trespass issues.

D. On July 14, 2022, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu indicating that the City Council would hold public hearing to consider the proposed amendment.

E. August 22, 2022, the City Council approved Zoning Text Amendment No. 22-001 amending MMC Section 17.41.050(G) of Chapter 17.41 (Malibu Dark Sky) regarding allowable light trespass from service station properties onto the public right-of-way.

F. City staff has spoken with representatives from various shopping centers within the City, and staff has learned of difficulties meeting the City's code, finding vendors with compliant lighting and fixtures, and concerns related to safety and security with redirecting lighting or having sufficient lighting for those purposes.

G. The City desires to modify the existing Dark Sky Ordinance to update requirements of light fixtures, allow lantern-style fixtures, and support a more workable light trespass which provides enough light onsite for security lighting.

- H. On XXXX XX, 2023, the Planning Commission held a duly noticed public hearing on the subject ZTA, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record and adopted Planning Commission Resolution No. 23-XX recommending the City Council adopt the proposed ZTA, as amended.
- I. On XXXX XX, 2023, pursuant to MMC Section 17.74.040, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu indicating that the City Council would hold public hearing to consider the proposed amendment.
- J. On XXXX XX, 2023, the City Council heard and considered the evidence and information provided in support of and in opposition to the proposed amendment, public testimony of all interested persons, and the recommendations of the Planning Commission.

SECTION 2. Environmental Review.

This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds that this ordinance is not subject to CEQA because the adoption of this ordinance is consistent with to Section 15308 of Title 14 of the California Code of Regulations, this Ordinance is exempt from the requirements of CEQA because it is an action taken by a regulatory agency, as authorized by state or local ordinance, which assures the maintenance, restoration, enhancement, or protection of the environment.

SECTION 3. Findings for Malibu Municipal Code Amendment.

Pursuant to MMC Section 17.74.040, the City Council hereby makes the following findings:

A. The subject zoning text amendment is consistent with the objectives, policies, general land uses and programs specified in the General Plan and is designed to facilitate compliance with Ordinance No. 434 which was adopted to protect and promote public health, safety, welfare, quality of life and the ability to view the night sky in alignment with the City's goals of preserving coastal resources and maintaining its unique rural character.

B. The City Council held a public hearing, reviewed the subject zoning text amendment application for compliance with the City of Malibu General Plan, Malibu Municipal Code and the Malibu Local Coastal Program, and finds that the zoning text amendment is consistent and recommends approval.

SECTION 4. Amendments to Chapter 17.41.

- A. A new definition shall be added as follows:

“Lantern-style light fixtures” a light fixture with a metal frame with the lamp located completely within the top of the opaque part of the fixture, with or without glass side panels..

B. MMC Section 17.41.050 Citywide requirement in Section B is amended to read as follows:

1. B. Lighting around the perimeter of the site and lighting for aesthetic purposes on any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road, public viewing area, ESHA or ESHA buffer is prohibited. This prohibition of lighting around the perimeter of the site does not apply to (a) lighting required for security lighting purposes where such lighting is controlled by motion sensor which extinguishes the light no later than ten (10) minutes after activation or (b) lighting used for parking areas.

C. MMC Section 17.41.050(G) Sections 3 and 4 are amended to read as follows:

1. 3 From any service station, Commercial Zoning District, or Institutional Zoning District onto a public right-of-way, the maximum allowable light trespass shall be 0.25 foot-candles (2.69 lux), measured in the horizontal plane at any point into the public right-of-way, twenty-five (25) feet from the property line after the end of nautical twilight.
2. 4 From all other properties other than the service stations, Commercial Zoning District, or Institutional Zoning District onto the adjacent public right-of-way, the maximum allowable light trespass must not exceed 0.25 foot-candles (2.69 lux) measured in any plane and at any height at the property line.

D. MMC Section 17.41.050(J) shall be added as follows:

1. Notwithstanding the requirement of 17.41.050.A, lantern-style light fixtures are allowed to have glass side panels as long as the lamp is otherwise fully shielded by the opaque part of the fixture (excluding the glass diffusing element), the glass panels are completely clear and transparent, the fixture does not exceed five thousand (5,000) lumens, and all other fixture requirements are met, provided that any other limitations specific to the applicable zoning district shall apply.

E. MMC Section 17.41.060(B) Additional lighting requirements by zoning district Sections 1 and 2 are amended to read as follows:

1. Curfew. All outdoor lighting shall be extinguished by 11:00 p.m. or when people are no longer present in exterior areas, whichever is later, except for (a) lighting activated by motion sensor which extinguishes ten (10) minutes after activation and (b) lighting at building entrances, parking areas, driveways, and walkways used for entry to and exit from structures and parking areas. All outdoor lighting shall be extinguished by 11:00 p.m. or when people are no longer present in exterior areas, whichever is later, except for lighting activated by motion sensor which extinguishes ten (10) minutes after activation and lighting at building entrances, parking areas and driveways, and walkways used for entry to and exit from structures and parking areas.
2. Each outdoor light fixture shall be fully shielded, directed downward and shall not exceed eight hundred fifty (850) lumens. Outdoor light fixtures shall not be mounted higher than eighteen (18) feet above ground level except as required by other building code requirements. Multi-Family Residential (MF) zone parking areas shall be exempt from the eight hundred fifty (850) lumen maximum. For the portion(s) of a property containing ESHA or ESHA buffer or located in or adjacent to ESHA or ESHA buffer or visible from public viewing areas, lighting shall comply with the OS zone standards detailed in subsection (A)(2) instead of this subsection (B)(2).

F. MMC Section 17.41.060(C4) will be deleted in its entirety

SECTION 5. Certification.

The City Clerk shall certify the passage and adoption of this Ordinance and enter it into the book of original ordinances.

PASSED, APPROVED AND ADOPTED this XX day of XXX 2023.

STEVE UHRING, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

Date: _____

APPROVED AS TO FORM:

TREVOR RUSIN, Interim City Attorney

Chapter 17.41 MALIBU DARK SKY

(All Content Displayed)

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17.41.010 Title.

This chapter shall be known as the “Malibu Dark Sky Ordinance.” (Ord. 434 § 4, 2018)

17.41.020 Purpose.

The purpose of this chapter is to implement the goals of the general plan and protect and promote public health, safety, welfare, quality of life and the ability to view the night sky, by establishing regulations and a process for review of outdoor lighting in order to accomplish the following:

- A. Minimize direct glare and prevent excessive lighting, thereby minimizing light pollution caused by inappropriate or misaligned light fixtures, and promoting common courtesy among neighbors;
- B. Reclaim the ability to view the night sky and thereby help preserve Malibu’s rural quality of life and the scenic value of this desirable visual resource;
- C. Promote wildlife habitation and migration by minimizing light pollution into and adjacent to habitat areas;
- D. Prevent light pollution wherever possible in all areas of the city;

E. Provide sufficient lighting where it is needed to promote safety and security on public and private property;

F. Allow flexibility in the style of outdoor lighting;

G. Provide standards for efficient and moderate use of lighting which balance energy use and economic impact;

H. Provide lighting standards that can evolve according to advancements in technology; and

I. Promote lighting practices and systems which conserve energy, decrease dependence on fossil fuels and limit greenhouse gas emissions consistent with the California Global Warming Solutions Act and other applicable state and federal law. (Ord. 434 § 4, 2018)

17.41.030 Definitions.

Notwithstanding the provisions of Section 17.02.060, for the purposes of this chapter only, the following words and phrases are defined as follows:

“Curfew” means the time of day when lighting restrictions, based on zoning district, are in effect.

“Directional lighting” means methods of directing light downward, rather than upward or outward, with the intention of directing light where it is needed.

“Environmentally sensitive habitat area (ESHA),” for purposes of this chapter, shall be defined as in the MMC except in the Point Dume area, where it shall refer only to any slopes of twenty-five (25) percent or steeper.

“Fully shielded” means a light fixture constructed and installed in such a manner that all light emitted, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane through the fixture’s lowest light-emitting part.

“Glare” means light entering the eye directly from a light fixture or indirectly from reflective surfaces that causes visual discomfort or reduced visibility to a reasonable person.

“Kelvin” means the measure of the color temperature of a light source. Warmer temperatures are a lower number, and cooler temperatures are a higher number.

“Lamp” means, in generic terms, a source of optical radiation (i.e., “light”), often called a “bulb” or “tube.” Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low-pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays.

—“Lantern-style light fixtures” means a light fixture with a metal frame with the lamp located in the top of the opaque part of the fixture, with or without glass side panels.

“Light pollution” means the material adverse effect of artificial light, including, but not limited to, glare, light trespass, sky glow, energy waste, compromised safety and security, and impacts on the nocturnal environment, including light sources that are left on when they no longer serve a useful function.

“Light trespass” means light that falls beyond the property it is located on.

“Lumen” means the unit of measure used to quantify the amount of visible light produced by a lamp or emitted from a light fixture (as distinct from “watt,” a measure of power consumption).

“Navigation lights” means a set of lights shown for an aircraft at night to indicate obstacles and hazards such as towers and tall buildings.

“Outdoor light fixtures” means outdoor electrically powered illuminating devices, lamps and similar devices, including solar powered lights, and all parts used to distribute the light and/or protect the lamp, permanently installed or portable; synonymous with “luminaires.”

“Public viewing area” shall be defined as in Local Coastal Program Local Implementation Plan Section 2.1.

“Seasonal lighting” means lighting installed and operated in connection with holidays or traditions.

“Sky glow” means the brightening of the nighttime sky that results from scattering and reflection of artificial light by air molecules, moisture and dust particles in the atmosphere. Sky glow is caused by light directed or reflected upwards or sideways and reduces one’s ability to view the night sky.

“String lights” means light sources connected by free-strung wires or inside of tubing resulting in several or many points of light that are unshielded or partly shielded light sources. (Ord. 434 § 4, 2018)

17.41.040 Applicability.

A. All outdoor light fixtures installed prior to the effective date of this ordinance are subject to the compliance period of Section 17.41.100(A), however the following requirements must be complied with immediately:

1. Outdoor light fixtures that have the ability to be redirected, shall be directed downward so as to minimize sky glow, glare and light trespass onto adjacent properties.

2. Outdoor light fixtures that have adjustable dimmers with color temperature that exceeds three thousand (3,000) Kelvin shall be dimmed to comply with Section 17.41.050(G) to minimize glare and light trespass onto adjacent properties.

3. String lights may be allowed in occupied dining and entertainment areas only and must not exceed three thousand (3,000) Kelvin. String lights shall not be used as landscape lights. This does not apply to seasonal lighting.

B. All outdoor light fixtures installed after the effective date of the ordinance codified in this chapter shall comply with this chapter.

C. For any property subject to this chapter and also regulated by permit conditions pertaining to outdoor lighting, the more restrictive provisions in terms of minimizing light pollution shall apply.

D. Nothing in this chapter shall prohibit a declaration of covenants, conditions and restrictions for private enforcement from further restricting lighting so long as it meets the minimum standards detailed in this chapter.

E. The following lighting and activities are not regulated by this chapter:

1. Indoor lighting.

2. Lighting within the public right-of-way for the principal purpose of illuminating public streets or traffic control.
3. Lighting solely used to illuminate signs for which a permit has been received.
4. Lighting solely used to illuminate address signs.
5. Construction or emergency lighting provided such lighting is temporary, necessary, and is discontinued immediately upon completion of the construction work or termination of the emergency.
6. Aircraft navigation lights such as those attached to radio/television towers.
7. Short-term lighting associated with activities authorized by a valid temporary use permit, special event permit or film permit during the duration of the permit.
8. Malibu High School field and parking lot lights. (Ord. 434 § 4, 2018)

17.41.050 Citywide requirements.

A. All outdoor light fixtures shall be fully shielded and installed and maintained in such a manner that the shielding does not permit light trespass in excess of those amounts set forth in subsection G below. Lighting shall be directed away from ESHA, ESHA buffer, Pacific Ocean, beaches, and public viewing areas in a manner to ensure no lamp is directly visible from public viewing areas.

B. Lighting around the perimeter of the site, ~~except as required for security lighting purposes and where it is controlled by motion sensor which extinguishes the light no later than ten (10) minutes after activation, or where used for parking areas,~~ and lighting for aesthetic purposes on any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road, public viewing area, ESHA or ESHA buffer is prohibited. This prohibition of lighting around the perimeter of the site does not apply to (a) lighting required for security lighting purposes, or where used for parking areas, and where such lighting is controlled by motion sensor which extinguishes the light no later than ten (10) minutes after activation or (b) lighting used for parking areas.

C. Light pollution shall be minimized through the use of directional lighting, fixture location, height, the use of shielding and/or motion sensors and timers.

D. Automated control systems, such as motion sensors and timers, shall be used to meet the curfew requirements of Section 17.41.060. Photocells or photocontrols shall be used to extinguish all outdoor lighting automatically when sufficient daylight is available. Automated controls should be fully programmable and supported by battery or similar backup.

E. Lighting Color (Chromaticity). The correlated color temperature of all outdoor lighting shall be three thousand (3,000) Kelvin or less except:

1. Amber colored sources of a lower temperature necessary to protect beach and ESHA, as determined by the planning director.

2. Seasonal lighting.

F. Seasonal lighting shall be allowed from November 15 to January 15 only.

G. Allowable Light Trespass. Outdoor lighting shall not cause light trespass exceeding the following amounts, measured with a light meter oriented vertically or horizontally at the property line of the property on which the light is trespassing:

1. From any property onto a residential property, ESHA, ESHA buffer, Pacific Ocean, beaches, and public viewing areas, the maximum allowable light trespass shall be 0.1 foot-candles. (1.076 lux) measured facing the light source(s) in any plane and at any height or place on the affected property, ESHA, ESHA buffer, Pacific Ocean, beaches or public viewing area.

2. From any property onto a non-residential property other than the public right-of-way, ESHA, ESHA buffer, Pacific Ocean, beaches, and public viewing areas, the maximum allowable light trespass shall be 0.25 foot-candles. (2.69 lux) measured in any plane and at any height or place on the affected property facing the light source(s).

3. From any service station, Commercial Zoning District, or Institutional Zoning Districts onto a public right-of-way, the maximum allowable light trespass shall be 0.25 foot-candles (2.69 lux), measured in the horizontal plane at any point into the public right-of-way, twenty-five (25) feet from the property line after the end of nautical twilight.

4. From all other properties other than the service stations, Commercial Zoning District, or Institutional Zoning Districts onto the adjacent public right-of-way, the maximum allowable light trespass must not exceed 0.25 foot-candles (2.69 lux) measured in any plane and at any height at the property line.

5. Measurements.

a. Measurements shall be taken with an illuminance light meter accurate to 1/100th of a foot-candle and having been calibrated to National Institute of Standards and Technology (NIST) standard within two years. Horizontal plane measurements shall be made according to the meter manufacturer's instructions. Signs must be turned off for said measurements.

b. Measurements shall be made wherein the lighting from the service station is turned on and off and the difference between street lighting and street lighting plus canopy lighting shall determine the trespass from canopy lighting.

H. Permanently installed lighting that blinks, flashes or is of unusually high intensity or brightness is prohibited.

I. Lighting of the shore is prohibited, except as required for security lighting purposes and where it is controlled by motion sensor which extinguishes the light no later than ten (10) minutes after activation. (Ord. 502 § 4, 2022; Ord. 434 § 4, 2018)

J. Notwithstanding the requirement of 17.41.050.A, lantern-style light fixtures are allowed to have glass side panels as long as the lamp is otherwise fully shielded by the opaque part of the fixture (excluding the glass diffusing element), the glass panels are completely clear and transparent, the fixture does not exceed five thousand (5,000) lumens unless otherwise limited by zoning district, and all other fixture requirements are met, provided that any other limitations specific to the applicable zoning district shall apply.

17.41.060 Additional lighting requirements by zoning district.

A. Public Open Space (OS) Zoning District.

1. The lighting curfew for all outdoor lighting, other than security lighting as detailed in subsection (A)(2)(b), shall be one hour after sunset.

2. Lighting shall be minimized, restricted to outdoor light fixtures meeting the following standards:

a. Walkways. The minimum necessary to light walkways used for entry to and exit from structures and parking areas, utilizing fixtures that are shielded, directed downward, and do not exceed two feet in height and eight hundred fifty (850) lumens.

b. Security lighting shall be attached to buildings and controlled by motion sensors which extinguish no later than ten (10) minutes after activation, with fixtures that do not exceed eight hundred fifty (850) lumens.

c. Driveways. The minimum necessary for safe vehicular use of the driveway, utilizing fixtures that do not exceed eight hundred fifty (850) lumens.

d. An outdoor light fixture, not to exceed eight hundred fifty (850) lumens, at the entrance of buildings.

B. Residential Zoning Districts, Including SF, MF, MFBF, RR, PD, and MH.

1. Curfew. All outdoor lighting shall be extinguished by 11:00 p.m. or when people are no longer present in exterior areas, whichever is later, except for (a) lighting activated by motion sensor which extinguishes ten (10) minutes after activation and lighting and (b) lighting at building entrances, parking areas and driveways, and walkways used for entry to and exit from structures and parking areas.

2. Each outdoor light fixture shall be fully shielded, directed downward and shall not exceed eight hundred fifty (850) lumens. Outdoor light fixtures shall not be mounted higher than eighteen (18) feet above ground level except as required by other building code requirements. Multi-Family Residential (MF) zone parking areas shall be exempt from the eight hundred fifty (850) lumen maximum. For the portion(s) of a property containing ESHA or ESHA buffer or located in or adjacent to ESHA or ESHA buffer or visible from public viewing areas, lighting shall comply with the OS zone standards detailed in subsection (A)(2) instead of this subsection (B)(2).

3. Outdoor lighting shall only be used within fifty (50) feet of a residentially habitable building or swimming pool except that security lighting, driveways and walkways may include outdoor lighting which complies with subsection (A)(2).

C. All Other Zoning Districts Including, But Not Limited to Commercial and Institutional Zoning Districts (CN, CC, CV, CG, I, RVP, and RD).

1. All outdoor lighting shall comply with California Building Code Title 24 Lighting Zone One (LZ1).

2. Curfew. All outdoor lighting shall be extinguished by 11:00 p.m. or close of business, whichever is later, except for (a) lighting activated by motion sensor which extinguishes ten (10) minutes after activation ~~and lighting and (b) lighting~~ at the building entrances and driveway egress points, parking areas, and walkways used for entry to and exit from structures and parking areas.

3. Lighting for ATMs and exterior accessways to hotel/motel rooms are not subject to the curfew.

~~4. For the portions of a property containing ESHA or ESHA buffer or located in or adjacent to ESHA or ESHA buffer, on any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road, public viewing area, lighting shall comply with the standards of subsection (A)(2) under the OS zone standards instead of this subsection (C)(4). (Ord. 434 § 4, 2018)~~

17.41.070 Deviation.

A. Deviations from the lighting standards provided in this chapter may be approved pursuant to an application processed according to the same procedures as a site plan review under this title. The application shall be made on a form provided by the planning department, and shall be accompanied by accurate plans, a legal description of the subject property and the following information:

1. Plans depicting the proposed lighting;
2. Detailed description of the circumstances which necessitate the deviation;
3. Details on the use of the proposed light fixtures for which the deviation is requested, including the type of outdoor light fixtures to be used, the light output and character of the shielding, if any; and
4. Such other data and information as may be required by the planning director.

B. The deviation may be granted by the planning director (for all residential zoning districts) and by the planning commission (for all other zoning districts or if an

application is referred to the planning commission by the planning director) if the city makes the following four findings, based on substantial evidence:

1. There are unique circumstances affecting the subject property that make it infeasible or impractical to comply with strict application of the lighting standards detailed in this chapter.

2. The proposed deviation will achieve the purpose and intent of this chapter.

3. The levels of light pollution will not exceed the level anticipated to be produced by a project compliant with this chapter.

4. The proposed project will not be contrary to or in conflict with the general plan. (Ord. 434 § 4, 2018)

17.41.080 Street lighting. (RESERVED)

17.41.090 Conflicts with other laws.

In the event the provisions in this chapter conflict with federal or state law, this chapter shall be applied in a manner intended to carry out all provisions of law to the maximum extent feasible. When there is an irreconcilable conflict between the provisions of this chapter and the requirements of federal or state law, the provisions of federal or state law shall prevail over the provisions contained in this chapter only to the extent necessary to avoid a violation of those laws. (Ord. 434 § 4, 2018)

17.41.100 Application of chapter to legal nonconforming lighting.

A. Effective Date. The effective date of this chapter shall be October 15, 2018.

B. Compliance Period. Notwithstanding the provisions in Chapter 17.60 (Nonconforming Structures and Uses) and Section 17.04.070, a property owner shall comply with the requirements of this chapter by the following

compliance deadlines. Any noncompliant lighting still in place after the compliance deadline shall remain extinguished at all times.

1. Outdoor lighting at gas station properties shall comply by October 15, 2019.
2. Outdoor lighting in commercial zones, including, but not limited to, CN, CC, CV, CG, RVP, and RD zoning districts shall comply by October 15, 2022.
3. Outdoor lighting in all remaining zones, including, but not limited to, SF, MF, MFBF, RR, PD, MH, and I zoning districts shall comply by October 15, 2022.

C. Extension. A property owner may apply for an extension of this deadline by submitting a request to the planning director thirty (30) days before the compliance deadline detailing why an extension is needed. With the exception of lighting provided for security purposes, any noncompliant lighting shall remain extinguished while the request is pending. Upon demonstration of good cause for providing a property owner additional time to comply with the requirements of this section, the planning director may extend the property owner's time to comply and/or may require a plan for compliance that requires partial compliance in advance of full compliance. For purposes of this section, the term "good cause" shall mean a significant financial or other hardship which warrants an extension or conditional extension of the time limit for compliance established herein. In no instance shall the planning director issue an extension of the compliance period in excess of one year's time. The planning director's decision shall be appealable pursuant to the provisions of Section 17.04.220.

D. Change of Use. If a property with noncompliant lighting changes use after the effective date, then all outdoor lighting shall be brought into compliance with this chapter, either by the property owner or tenant, before the new use begins. (Ord. 496 § 4, 2022; Ord. 434 § 4, 2018)

17.41.110 Enforcement and penalties.

Any violation of the provisions of this chapter by any person shall be subject to the administrative penalty provisions of Title 1 Chapter 1.10 of this code. (Ord. 434 § 4, 2018)